

Approved by: _____

JULIA MCCORMICK

Special Assistant United States Attorney

 ORIGINAL

Before: THE HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York

19 MAG 7647

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UNITED STATES OF AMERICA

: MISDEMEANOR
: COMPLAINT

-v-

: Violation of

JOHN J. HEBER

: NYV&TL 511(1)(a)
: NYV&TL 1225(c)(2)(b)

Defendant

: COUNTY OF OFFENSE:
: ORANGE
: -----X

SOUTHERN DISTRICT OF NEW YORK, ss.:

JASON GONZALEZ, being duly sworn, deposes and says that he is a Court Liaison assigned to the Provost Marshal Office, at the United States Military Academy, West Point, New York, and charges as follows:

COUNT ONE

On or about June 28, 2019, at the United States Military Academy, West Point, New York, within the special maritime and territorial jurisdiction of the United States, in the Southern District of New York, JOHN J. HEBER, the defendant, unlawfully, knowingly and willfully operated a motor vehicle upon a public road while knowing, or having reason to know, that his license to operate such motor vehicle in New York was suspended, revoked, or otherwise withdrawn by the commissioner, to wit, the defendant was observed operating his motor vehicle on Mills Road and an investigation revealed that the defendant's state driver's license had been suspended.

(New York Vehicle and Traffic Law, Section 511(1)(a))

COUNT TWO

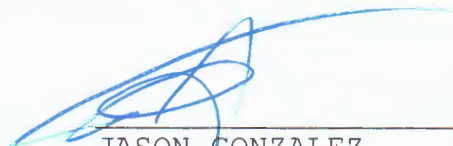
On or about June 28, 2019, at the United States Military Academy, West Point, New York, within the special maritime and territorial jurisdiction of the United States, in the Southern District of New York, JOHN J. HEBER, the defendant, unlawfully, knowingly and willfully used a portable device while operating a motor vehicle upon a public roadway to wit, the defendant was observed using his mobile device while operating his motor vehicle on Mills Road.

(New York Vehicle and Traffic Law, Section 1225 (c)(2)(d))

The basis for the deponent's knowledge and for the foregoing charges are, in part, as follows:

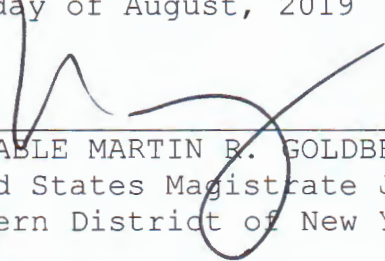
1. I am Court Liaison, assigned to the Provost Marshal Office, at the United States Military Academy, West Point, New York, which is located in the Southern District of New York.
2. On or about June 28, 2019 at approximately 04:04 p.m., MP Officer, SSG Carson, was driving through Buffalo Soldier Parking lot towards the intersection of Thayer Road and Mills Road when she observed the driver of a gray Nissan Rogue, later identified as the defendant, driving without a hands-free device. SSG Carson pulled alongside the vehicle and advised the defendant that he could not drive while using his cellphone. SSG Carson then proceeded through the intersection driving northbound on Thayer Road when she saw the defendant put the cellphone back to his ear while taking a left turn onto Mills Road.
3. SSG Carson conducted a traffic stop and requested a record check on the driver. A record check on the driver revealed that his driver's license was suspended.
4. The defendant was issued a District Court Violation Notice for operating a motor vehicle while license suspended or revoked (DCVN number 8004327/SY10) and operating a vehicle without a hands-free device (DCVN 8004326/SY10) and was released on his own recognizance.

WHEREFORE, deponent prays that the above-named defendant be imprisoned or bailed, as the case may be.



JASON GONZALEZ
Court Liaison

Sworn to before me this
16th day of August, 2019



HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York